

REMARKS

Claims 1-2, 4-8, 10 and 11 are pending in the present application. Claims 1-2, 5 and 7-8 were rejected under 35 U.S.C. §102(b) as being anticipated by Yano, U.S. Patent No. 5,701,197. Claims 4, 6, 10 and 11 were rejected under 35 U.S.C. §103(a) as being unpatentable over Yano in view of Hellmuth et al., U.S. Patent No. 5,795,295 or Carlsson et al., "Confocal Imaging for 3-D Digital Microscopy" in Applied Optics, Vol. 26(16), November 6, 1986, pp. 3232-3238.

The specification has been amended. Claims 1 and 7 have been amended. Claim 5 has been canceled. Reconsideration of the application based on the remarks below is respectfully requested.

Supplemental Information Disclosure Statement

A supplemental information disclosure statement including PTO-1449 is submitted herewith for the Examiner's consideration.

Amendment to the specification

The paragraph beginning on page 2, line 7, has been amended to correct a typographical error in the number of the cited U.S. patent. The correct number is 4,863,226 instead of 4,863,266, as indicated. It is respectfully submitted that no new matter has been added.

Amendment to the claims

Dependent claim 5 has now been canceled and its limitations incorporated into independent claims 1 and 7. Claims 1 and 7 now recite "wherein the first and second observation beam paths and the scanning beam path are together imaged by the objective of the stereomicroscope onto the specimen to be examined". It is respectfully submitted that no new matter has been added.

Rejection under 35 U.S.C. §102(b)

Claims 1-2, 5 and 7-8 were rejected under 35 U.S.C. §102(b) as being anticipated by Yano, U.S. Patent No. 5,701,197.

Yano describes a slit lamp microscope body 1 equipped with a confocal scanning microscope unit 2. The slit lamp microscope body includes an objective lens 30, while the confocal scanning microscope unit 2 includes an objective lens group 15. See col. 3, lines 37-46, and col. 4, lines 12-13, and Fig. 1.

Independent claims 1 and 7 of the present application, as amended, recite “wherein the first and second observation beam paths and are together imaged by the objective of the stereomicroscope onto the specimen to be examined”. It is respectfully submitted that Yano does not teach or suggest the scanning beam path is imaged by the objective of the stereomicroscope onto the specimen to be examined, as recited in claims 1 and 7. In contrast, the scanning beam path of Yano is imaged onto the specimen E by scanning unit objective lens group 15. The scanning beam path of Yano is never imaged by microscope objective lens 30. See Yano, Fig. 1. Nor would it have been obvious to image the scanning beam path of Yano by the microscope objective lens, as Yano uses a separate scanning unit objective lens group 15. Indeed, Yano teaches away from imaging of the scanning beam path onto the specimen by the microscope objective lens since the confocal scanning microscope unit of Yano is set “in the front of the objective lens” of the microscope. See Yano, col. 2, lines 8-9, and Fig. 1.

For at least the reasons stated above, withdrawal of the rejection of independent claims 1 and 7, as well as respective dependent claims 2, 5 and 8, under 35 U.S.C. §102(b) based on Yano is respectfully requested.

Rejection under 35 U.S.C. §103(a)

Claims 4, 6, 10 and 11 were rejected under 35 U.S.C. §103(a) as being unpatentable over Yano in view of Hellmuth et al., U.S. Patent No. 5,795,295 or Carlsson et al., “Confocal Imaging for 3-D Digital Microscopy” in Applied Optics, Vol. 26(16), November 6, 1986, pp. 3232-3238.

Dependent claims 4, 6, 10 and 11 properly depend from, and therefore incorporate all of the limitations of, respective independent claims 1 and 7. Neither Hellmuth nor Carlsson et al. teach or suggest the above-described feature of independent claims 1 and 7 missing

from Yano (see anticipation rejection above). Therefore, a combination of Yano with either Hellmuth or Carlsson could not provide all the features of claims 4, 6, 10 or 11.


Withdrawal of the rejection of claims 4, 6, 10 and 11, under 35 U.S.C. §103(a) based on Yano in view of Hellmuth or Carlsson et al. is respectfully requested.

CONCLUSION

It is respectfully submitted that the application is now in condition for allowance.

Respectfully submitted,

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